

## MECKLER BULGER & TILSON LLP

123 North Wacker Drive, Suite 1800  
Chicago, Illinois 60606

Tel: 312-474-7900 • Fax: 312-474-7898  
www.mbtlaw.com

Rachel S. Urquhart  
Also Admitted In Michigan  
312-474-7944  
rachel.urquhart@mbtlaw.com

August 7, 2008

### *VIA FAX AND E-MAIL*

Armand L. Andry  
Suite 2100  
One South Dearborn Street  
Chicago, IL 60603

**Re: *Gerald E. Lampkin v. Loyola University Medical Center*  
Case No. 08 C 0006 -- Judge Blanche Manning**

Dear Mr. Andry:

I have reviewed Plaintiff's discovery responses and note that some responses are deficient. Specifically, I request that you supplement his response to Interrogatory No. 11, which requests that Plaintiff "Identify all of your employers both prior and subsequent to your employment with Loyola and for each such employer provide the dates and titles of all positions held and the responsibilities associated with each such position; identify all supervisors; identify the rate of pay and benefits of each position and the dates and amounts of all pay increases for each position; state the dates and reasons of any separations from each such employer; and identify all documents concerning your answer to this Interrogatory." Plaintiff's response does not identify the exact start and end dates of his employment with Citigroup-Primerica Financial Services and Sears Corporation, nor does it identify his initial position with Citigroup-Primerica or his job duties for any of his positions with either employer. It further does not identify the rate of pay and benefits and the dates and amounts of all pay increases for each position.

The response to Interrogatory 15 is also deficient because it fails to identify, for each category of damages claimed in the litigation, "the amount you claim is due and owing, the factual support or assumptions relied upon for each calculation, and the identity of all documents supporting your claim for damages."



MECKLER BULGER & TILSON LLP

10000 NORTH CENTRAL EXPRESSWAY DALLAS, TEXAS 75231 PHONE: 214-265-6200 FAX: 214-265-6226  
3101 NORTH CENTRAL AVENUE SUITE 900 PHOENIX, ARIZONA 85012 PHONE: 602-734-0850 FAX: 602-734-0862


**MECKLER BULGER & TILSON LLP**

Armand L. Andry  
August 7, 2008  
Page 2

Plaintiff's response to Request to Produce Number 18 is also deficient. Please indicate a date certain upon which you will produce all state and federal income tax returns and supporting documentation, as requested.

Further, I am still waiting for a response to my request for available dates between August 18 – September 5 for your client's deposition. I appreciate your prompt response to these discovery requests.

Very truly yours,



Rachel S. Urquhart

RSU:sbf

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**Fineron, Sharon**

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**From:** Urquhart, Rachel  
**Sent:** Thursday, August 21, 2008 1:08 PM  
**To:** 'Armand Andry'  
**Cc:** Graber, Brent  
**Subject:** Lampkin

I have not received any e-mail from you. I suggest that you either break it into smaller documents and send it as multiple e-mails, or fax or hand deliver it to me. Thank you.

Rachel S. Urquhart  
Meckler, Bulger, Tilson, Marick & Pearson LLP  
123 N. Wacker Drive, Suite 1800  
Chicago, IL 60608  
direct: 312-474-7944  
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9/12/2008



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Rachel S. Urquhart  
Also Admitted In Michigan  
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rachel.urquhart@mbtlaw.com

August 25, 2008

***Sent by fax, e-mail, and U.S. mail.***

Armand L. Andry  
Suite 2100  
One South Dearborn Street  
Chicago, IL 60603

**Re: *Gerald E. Lampkin v. Loyola University Medical Center***  
**Case No. 08 C 0006 -- Judge Blanche Manning**

Dear Mr. Andry:

On August 3, 2008, I sent the attached letter to you noting several deficiencies in Plaintiff's discovery responses. You assured me at court on both August 8 and August 21 that you have produced this information by e-mail. However, despite my reply to you that I have not received any such e-mail, and my requests to send the documents by fax or personal delivery, I have not received any supplemental documents or information.

If we have not received Plaintiff's supplements by the end of the day tomorrow, we will be forced to file another motion to compel in order to ensure that your lack of diligence does not interfere with Defendant's ability to comply with the discovery schedule that the Parties jointly filed, and that the court has already extended once at Plaintiff's request.

Also attached is a notice of deposition for Thursday, September 11, 2008 at 9:00am. If, as you have previously indicated, your client can not start the deposition until the afternoon, we will need to continue past 5pm and/or complete the deposition on another day. Please advise.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rachel S. Urquhart".

Rachel S. Urquhart

RSU:sbf  
cc: Brent Graber

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## MECKLER BULGER & TILSON LLP

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Rachel S. Urquhart  
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312-474-7944  
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August 7, 2008

### ***VIA FAX AND E-MAIL***

Armand L. Andry  
Suite 2100  
One South Dearborn Street  
Chicago, IL 60603

**Re: *Gerald E. Lampkin v. Loyola University Medical Center*  
Case No. 08 C 0006 -- Judge Blanche Manning**

Dear Mr. Andry:

I have reviewed Plaintiff's discovery responses and note that some responses are deficient. Specifically, I request that you supplement his response to Interrogatory No. 11, which requests that Plaintiff "Identify all of your employers both prior and subsequent to your employment with Loyola and for each such employer provide the dates and titles of all positions held and the responsibilities associated with each such position; identify all supervisors; identify the rate of pay and benefits of each position and the dates and amounts of all pay increases for each position; state the dates and reasons of any separations from each such employer; and identify all documents concerning your answer to this Interrogatory." Plaintiff's response does not identify the exact start and end dates of his employment with Citigroup-Primerica Financial Services and Sears Corporation, nor does it identify his initial position with Citigroup-Primerica or his job duties for any of his positions with either employer. It further does not identify the rate of pay and benefits and the dates and amounts of all pay increases for each position.

The response to Interrogatory 15 is also deficient because it fails to identify, for each category of damages claimed in the litigation, "the amount you claim is due and owing, the factual support or assumptions relied upon for each calculation, and the identity of all documents supporting your claim for damages."



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**MECKLER BULGER & TILSON LLP**

Armand L. Andry  
August 7, 2008  
Page 2

Plaintiff's response to Request to Produce Number 18 is also deficient. Please indicate a date certain upon which you will produce all state and federal income tax returns and supporting documentation, as requested.

Further, I am still waiting for a response to my request for available dates between August 18 – September 5 for your client's deposition. I appreciate your prompt response to these discovery requests.

Very truly yours,



Rachel S. Urquhart

RSU:sbf

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

GERALD E. LAMPKIN,

Plaintiff,

VS.

LOYOLA UNIVERSITY MEDICAL CENTER,

Defendant.

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)
)
)
)
)
)

) Case No. 08 C 00006

) Judge Blanche M. Manning

) Magistrate Judge Martin C. Ashman

**NOTICE OF DEPOSITION**

TO: ARMAND L. ANDRY  
One South Dearborn, Suite 2100  
Chicago, Illinois 60603  
(773) 626-3058

**PLEASE TAKE NOTICE** that Defendant will take the deposition of **Plaintiff Gerald E. Lampkin**, on **September 11, 2008 at 9:00 a.m.**, upon oral examination pursuant to Federal Rule of Civil Procedure 30. The deposition will take place at the offices of Meckler Bulger & Tilson LLP, 123 North Wacker Drive, Suite 1800, Chicago, Illinois 60606, before a Court Reporter, or other officer authorized to administer oaths.

Respectfully submitted,

By:

One of the Attorneys for Defendant  
Loyola University Medical Center

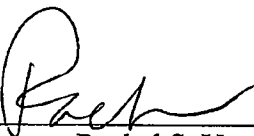
**Brent J. Graber**  
**Brian W. Bulger**  
**Rachel Urquhart**  
**Meckler Bulger & Tilson LLP**  
**123 N. Wacker Drive, Suite 1800**  
**Chicago, IL 60606**  
**Tel.: (312) 474-7900**  
**Fax: (312) 474-7898**  
**E-Mail:     brent.graber@mbtlaw.com**  
**brian.bulger@mbtlaw.com**  
**rachel.urquhart@mbtlaw.com**

**CERTIFICATE OF SERVICE**

I, Brent J. Graber, an attorney, state under oath that I caused a copy of the foregoing  
**Notice Of Deposition Of Plaintiff Gerald E. Lampkin** to be served upon:

ARMAND L. ANDRY  
One South Dearborn, Suite 2100  
Chicago, Illinois 60603  
FAX: 773-626-3061  
armandandry@hotmail.com

by facsimile, e-mail and by depositing the same in the United States Mail at 123 N. Wacker  
Drive, Suite 1800, Chicago, Illinois 60606 on this 25<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Rachel S. Urquhart

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**Rachel S. Urquhart**  
312-474-7944  
rachel.urquhart@mbtlaw.com

September 4, 2008

*Sent by fax and e-mail*

Armand L. Andry  
Suite 2100  
One South Dearborn Street  
Chicago, IL 60603

**Re: Gerald E. Lampkin v. Loyola University Medical Center**  
**Case No. 08 C 0006 -- Judge Blanche Manning**

Dear Mr. Andry:

Thank you for the supplementation of Mr. Lampkin's discovery responses, which I received on August 26. However, Mr. Lampkin still has not fully responded to Interrogatory 11. He has not identified the start date for his position with Primerica. Nor has he stated the rate of pay and benefits and the dates and amounts of all pay increases for his positions with Primerica and Sears Holding Company. Mr. Lampkin's non-responsive statement that

I started out on my first job making \$11/hr, \$12.50/hr, 15/hr., 21/hr, \$22/hr, \$24hr.  
\$60,000/yr current — bonus and additional income from Citigroup varies  
(monthly). Note: Insurance presents potential charge back of pay out. I currently  
have a charge back of over \$2,400 .... Any more questions for justification???

is sorely deficient. I trust that I do not need to remind you that pursuant to Federal Rule of Civil Procedure 37, a court may issue sanctions for a party's failure to participate in good faith discovery including incomplete or evasive disclosures, answers or responses.

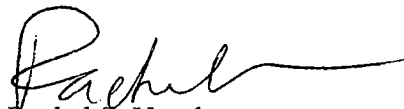
Your client's supplement still fails to respond to Request to Produce No. 18, requesting all state and federal income tax returns and supporting documentation. Further, now that your client has identified that he has had employment since his position with Loyola was terminated, it is now apparent that he has wholly failed to respond to Request to Produce No., 16, for "All documents related to any employment you have held since your employment with Loyola was terminated, including documents reflecting the name and address of all such employers, your job duties and responsibilities, and your pay and benefits."

**MECKLER BULGER TILSON MARICK & PEARSON LLP**

Armand L. Andry  
September 4, 2008  
Page 2

Please provide this information (which I have now requested three times since you failed to respond to the initial discovery requests served on May 13, 2008) in advance of Mr. Lampkin's deposition which is noticed for Thursday, September 11, 2008 at 9:00am.

Very truly yours,



Rachel S. Urquhart

RSU:sbf  
cc: Brent Graber

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